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7
8 Attorney for Petitioner

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Jonathan Rodriguez Chavarria
12 AKA
13 Jonathan Rodriguez,

14
15 Petitioner,

16 v.

17 Gregory J. ARCHAMBEAULT, Field
18 Office Director of Enforcement and
19 Removal Operations, San Diego Field
20 Office, Immigration and Customs
21 Enforcement; Kristi NOEM, Secretary,
22 U.S. Department of Homeland Security;
23 U.S. DEPARTMENT OF HOMELAND
24 SECURITY; Pamela BONDI, U.S.
Attorney General; EXECUTIVE
OFFICE FOR IMMIGRATION
REVIEW; Christopher J. LAROSE,
Senior Warden of the Otay Mesa
Detention Facility,

Respondents.

Case No. '25CV3655 JLS SBC

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner, Jonathan Rodriguez Chavarria, brings this petition for a
3 writ of habeas corpus to seek enforcement of their rights as members of the Bond
4 Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
5 SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the
6 Otay Mesa Detention Facility. He now faces unlawful detention because the
7 Department of Homeland Security (DHS) and the Executive Office for
8 Immigration Review (EOIR) have refused to abide by the declaratory judgment
9 issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.
10

11 2. On November 20, 2025, the district court granted partial summary
12 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
13 nationwide class and extended declaratory judgment to the certified class.
14 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d -
15 ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial
16 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
17 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403,
18 at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed
19 nationwide Bond Eligible Class, incorporating and extending declaratory judgment
20 from Order Granting Petitioners' Motion for Partial Summary Judgment).
21
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1 3. The declaratory judgment held that the Bond Denial Class members
2 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration
3 for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
4 3289861, at *11.

5
6 4. Nonetheless, the Executive Office for Immigration Review and its
7 subagency the Immigration Court and the Department of Homeland Security
8 (DHS) have blatantly refused to abide by the declaratory relief and have
9 unlawfully ordered that Petitioner be denied the opportunity to be released on
10 bond.

11
12 5. Petitioner, Jonathan Rodriguez Chavarria, is a member of the Bond
13 Eligible Class, as he:

- 14 a. does not have lawful status in the United States and is currently
15 detained at the Otay Mesa Detention Facility. He was apprehended by
16 immigration authorities on or about July 2, 2025;
- 17 b. entered the United States without inspection over 25 years ago and
18 was not apprehended upon arrival, *cf. id.*; and
- 19 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

20 6. After apprehending Petitioner on July 2, 2025, the DHS placed him in
21 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
22 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
23 United States without inspection.

24 7. The Court should expeditiously grant this petition.

1 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it
2 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

3 Nevertheless, Respondents continue to flagrantly defy the judgment in that case
4 and continue to subject Petitioner to unlawful detention despite his clear
5 entitlement to consideration for release on bond as a Bond Eligible Class member.
6

7 9. Immigration judges have informed class members in bond hearings
8 that they have been instructed by “leadership” that the declaratory judgment in
9 *Maldonado Bautista* is not controlling, even with respect to class members, and
10 that instead IJs remain bound to follow the agency’s prior decision in *Matter of*
11 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
12

13 10. Because Respondents are detaining Petitioner in violation of the
14 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly
15 order that **within one day**, Respondent DHS must release Petitioner.

16 11. It is of note that the immigration judge previously held a bond hearing
17 on July 25, 2025, ordering the Petitioner be released on \$1,500 bond and
18 alternatives to detention at the discretion of DHS. The DHS appealed the IJs
19 decision, and pursuant to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
20 2025), the Board of Immigration Appeals affirmed the Department’s appeal and
21 vacated the bond order.
22
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24

1 **VENUE**

2 17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410
3 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the
4 Southern District of California, the judicial district in which Petitioner currently is
5 detained.

6
7 18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
8 because Respondents are employees, officers, and agencies of the United States,
9 and because a substantial part of the events or omissions giving rise to the claims
10 occurred in the Southern District of California.

11 **REQUIREMENTS OF 28 U.S.C. § 2243**

12
13 19. The Court should grant the petition for writ of habeas corpus
14 “forthwith,” as the legal issues have already been resolved for class members in
15 *Maldonado Bautista*.

16 20. Habeas corpus is “perhaps the most important writ known to the
17 constitutional law . . . affording as it does a *swift* and imperative remedy in all
18 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963)
19 (emphasis added). “The application for the writ usurps the attention and displaces
20 the calendar of the judge or justice who entertains it and receives prompt action
21 from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116,
22 1120 (9th Cir. 2000) (citation omitted).
23
24

PARTIES

1
2
3 21. Petitioner Jonathan Rodriguez Chavarria is a citizen of Mexico who
4 has been in immigration detention since July 2, 2025. After Petitioner was arrested
5 in Costa Mesa, California, ICE did not set bond, and Petitioner requested review of
6 his custody by an IJ. On [July 25, 2025, Petitioner was granted bond by an IJ at the
7 Otay Mesa Immigration Court. The DHS filed an appeal and the BIA affirmed the
8 appeal citing to the agency’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec.
9 216 (BIA 2025).

10
11 22. The Petitioner filed a subsequent custody redetermination request
12 following the district court decision granting partial summary judgment on behalf
13 of individual plaintiffs on November 25, 2025, certifying a nationwide class and
14 extending declaratory judgment to the certified class. *Maldonado Bautista v.*
15 *Santacruz, supra.*

16
17 23. On December 16, 2025, Petitioner was denied bond by an IJ at the
18 Otay Immigration Court because the orders in *Maldonado Bautista v. Santacruz*
19 were not “final” and the Petitioner was not eligible for bond under *Matter of*
20 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), deeming him an “applicant for
21 admission.” Petitioner has resided in the United States since 1999.
22
23
24

1 24. Respondent Gregory J. Archambeault is the Director of the San
2 Diego Field Office of ICE's Enforcement and Removal Operations division. As
3 such, Gregory J. Archambeault is Petitioner's immediate custodian and is
4 responsible for Petitioner's detention and removal. He is named in his official
5 capacity.
6

7 25. Respondent Kristi Noem is the Secretary of the Department of
8 Homeland Security. She is responsible for the implementation and enforcement of
9 the Immigration and Nationality Act (INA), and oversees ICE, which is
10 responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority
11 over Petitioner and is sued in her official capacity.
12

13 26. Respondent Department of Homeland Security (DHS) is the federal
14 agency responsible for implementing and enforcing the INA, including the
15 detention and removal of noncitizens.

16 27. Respondent Pamela Bondi is the Attorney General of the United
17 States. She is responsible for the Department of Justice, of which the Executive
18 Office for Immigration Review and the immigration court system it operates is a
19 component agency. She is sued in her official capacity.
20

21 28. Respondent Executive Office for Immigration Review (EOIR) is the
22 federal agency responsible for implementing and enforcing the INA in removal
23 proceedings, including for custody redeterminations in bond hearings.
24

1 35. By denying Petitioner a bond hearing under § 1226(a) and asserting
2 that he is subject to mandatory detention under § 1225(b)(2), Respondents violate
3 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado*
4 *Bautista*.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 8 a. Assume jurisdiction over this matter;
- 9 b. Issue a writ of habeas corpus requiring that within one day,
10 Respondents release Petitioner;
- 11 c. Alternatively, issue a writ of habeas corpus requiring Respondents to
12 release Petitioner unless they provide a bond hearing under 8 U.S.C.
13 § 1226(a) within seven days;
- 14 d. Award Petitioner attorney’s fees and costs under the Equal Access to
15 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other
16 basis justified under law; and
- 17 e. Grant any other and further relief that this Court deems just and
18 proper.
19

20 DATED this 17th of December, 2025.

21
22 /S/ Carlos A. Cruz
23 Carlos A. Cruz
24 *Attorneys for Petitioner*

EXHIBIT 1



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

RODRIGUEZ, JONATHAN

To:

Cruz, Carlos Alfredo
118 E. Huntington Dr. Ste#A
Alhambra, CA 91801

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/16/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The respondent entered the United States without inspection, and is subject to mandatory detention under Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). Although the United States District Court for the Central District of California recently granted class certification in Maldonado Bautista v. Noem, No. 5:25 CV-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025), Maldonado Bautista remains pending with the District Court.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:

If the court had jurisdiction, it would grant a bond in accordance with its prior decision.



Immigration Judge: SAMEIT, MARK 12/16/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due:01/15/2026

Certificate of Service

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To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : RODRIGUEZ, JONATHAN | A-Number : 

Riders:

Date: 12/16/2025 By: Rosa Rodriguez, Court Staff

EXHIBIT 2



Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk



5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Cruz, Carlos Alfredo
Law Offices of Carlos A. Cruz
118 E. Huntington Dr.
Ste A
Alhambra CA 91801

DHS/ICE Office of Chief Counsel - OTM
P.O.Box 438150
San Diego CA 92143

Name: RODRIGUEZ, JONATHAN



Date of this Notice: 10/15/2025

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

A handwritten signature in cursive script that reads "John Seiler".

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket



Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

RODRIGUEZ, JONATHAN



DHS/ICE Office of Chief Counsel - OTM
P.O.Box 438150
San Diego CA 92143

Name: RODRIGUEZ, JONATHAN



Date of this Notice: 10/15/2025

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

A handwritten signature in cursive script that reads "John Seiler".

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Jonathan RODRIGUEZ,



Respondent

FILED

Oct 15, 2025

ON BEHALF OF RESPONDENT: Carlos Alfredo Cruz, Esquire

ON BEHALF OF DHS: Min Young Chan, Assistant Chief Counsel

IN BOND PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Otay Mesa, CA

Before: Gallow, Appellate Immigration Judge

GALLOW, Appellate Immigration Judge

The Department of Homeland Security (“DHS”) appeals from the Immigration Judge’s July 25, 2025, decision ordering the respondent released from custody on \$1,500.00 bond.¹ The Immigration Judge issued a bond memorandum setting forth the reasons for the decision on August 14, 2025. The respondent opposes the appeal. The appeal will be sustained, and the Immigration Judge’s July 25, 2025, order will be vacated.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the “clearly erroneous” standard. 8 C.F.R. § 1003.1 (d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

During the pendency of this appeal, the Board issued a precedential decision holding that, based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack the authority over bond requests for aliens who are present in the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The respondent has not disputed that he is present in the United States without admission or parole and is present in the United States without inspection (IJ Bond Memorandum at 1; Exh. 2, Tab A).

Pursuant to the Board’s intervening decision in *Matter of Yajure Hurtado*, 29 I&N Dec. at 220-28, the Immigration Judge lacked authority to hear the respondent’s request for a bond. We

¹ On July 25, 2025, DHS filed a Notice of ICE Intent to Appeal Custody Redetermination (Form EOIR-43), automatically staying the decision of the Immigration Judge which remains in abeyance pending a decision of the appeal by this Board. 8 C.F.R. § 1003.19(i)(2).



therefore will sustain DHS' appeal, vacate the Immigration Judge's decision, and order that the respondent is detained without bond.

In light of this determination, we need not address the Immigration Judge's findings that the respondent met his burden of proving he is not a danger to the community and is not a flight risk. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.").


Accordingly, the following orders will be entered.

ORDER: DHS' appeal is sustained.

FURTHER ORDER: The Immigration Judge's July 25, 2025, bond order is vacated.

EXHIBIT 3

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT
7488 Calzada de la Fuente
San Diego, California 92154

File No.: )
)
In the Matter of)
) **IN BOND PROCEEDINGS**
Jonathan RODRIGUEZ,)
)
Respondent.)

ON BEHALF OF RESPONDENT:

Yamilet Medina, Esquire
324 S. Brea Boulevard
Brea, California 92821

**ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY:**

Antonio Estrada, Assistant Chief Counsel
P.O. Box 438150
San Diego, California 92143

BOND MEMORANDUM OF THE IMMIGRATION JUDGE

On July 7, 2025, Respondent filed a bond redetermination request with this Court. On July 25, 2025, the Court conducted a custody redetermination hearing. After determining the Court had jurisdiction, it found that Respondent had met his burden to show that he does not pose a danger to the community, but found that he did present a risk of flight which could be mitigated with bond and Alternatives to Detention. The Court granted Respondent’s release with a \$1,500 bond. *See* Order of the Immigration Judge, July 25, 2025. On July 25, 2025, the Department filed form EOIR-43, indicating its intent to appeal the Court’s custody order. The Board of Immigration Appeals notified the Court of the Department’s appeal on August 13, 2025. The Court provides this memorandum to facilitate review of the Department’s appeal. *See* 8 C.F.R. § 1003.6(c)(2); EOIR Policy Man., Part II, Ch. 9.3(e)(7).

At the outset of the hearing, the Department argued that the Court lacked jurisdiction to redetermine Respondent’s custody because the Respondent is present without inspection and is subject to detention under section 235 of the Immigration and Nationality Act (“INA”).¹ While the Department contended that the Respondent is subject to mandatory custody, it did not present a legal argument for such position. *See Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980) (holding that statements made by counsel are not evidence). Additionally, the Department did not identify under which subsection of section 235 the Respondent was allegedly detained.

Furthermore, as explained in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), INA sections 235 and 236 each cover distinct, non-overlapping classes of aliens. *Matter of M-S-*, 27 I&N Dec. at 516. Section 235(b)(2)(A) provides that “applicants for admission” who are determined not to

¹ The Department did not argue that the Respondent is subject to detention pursuant to *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) or *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019).

be clearly and beyond a doubt entitled to be admitted shall be detained for INA section 240 proceedings. The phrase “applicant for admission” is a term of art denoting a particular legal status. *Torres v. Barr*, 976 F.3d 918, 927 (9th Cir. 2020). However, the Ninth Circuit has rejected the theory that any applicant for admission should be “treated as having made a continuing application for admission that does not terminate ‘until it [is] considered by an immigration officer.’” *Torres*, F.3d at 922 (overruling *Minto v. Sessions*, 854 F.3d 619, 624 (9th Cir. 2017)). Thus, there is some temporal limitation to such classification. See *United States v. Gambino-Ruiz*, 91 F.4th 981, 989 (9th Cir. 2024) (distinguishing *Torres*, who was placed in removal proceedings 13 years after entry, with *Gambino-Ruiz*, who was detained near the border shortly after crossing it, and stating that “*Torres* merely rejected the view that an alien remains in a perpetual state of applying for admission.”). As such, the Court declines to consider someone like Respondent, who has been physically present in the United States for approximately 26 years, as an applicant for admission. To be sure, an alien “detained near the border shortly after he crossed it” is considered an applicant for admission. *Gambino-Ruiz*, 91 F.4th at 990. However, this did not occur in Respondent’s case. Respondent was not detained near the border and has been present in the United States since 1999. Therefore, the Respondent is not an “applicant for admission” who would be subject to detention under section 235(b)(2)(A). Additionally, based on his length of time in the United States, the Respondent is not an arriving alien who would be subject to expedited removal. 8 C.F.R. § 235.3(b)(1)(ii) (2025). Furthermore, the Court found that the Respondent was not detained “while arriving in the United States” pursuant to a warrantless arrest and released with parole, as envisioned in *Matter of Q. Li*, 29 I&N Dec. 66, 69 (BIA 2025). Based on the foregoing, the Court determined that the Respondent is detained pursuant to section 236(a) of the INA and that the Court did have jurisdiction to consider his custody status.

A respondent in a custody redetermination hearing under INA section 236(a) must establish to the satisfaction of the Immigration Judge that he does not present a danger to persons or property, is not a threat to national security, and does not pose a risk of flight. See *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999). In determining whether a respondent merits release from custody, the Immigration Judge may consider various factors, as well as the amount of bond that is appropriate, and may consider any evidence that is probative and specific. *Matter of Guerra*, 24 I&N Dec. 37, 40-41 (BIA 2006).

The Immigration Judge has broad discretion in deciding which factors to consider in custody redeterminations and may choose to give greater weight to one factor over others, as long as the decision is reasonable. *Guerra*, 24 I&N Dec. 40 at 40-41. These factors may include any or all of the following: (1) whether the respondent has a fixed address in the United States; (2) length of residence in the United States; (3) family ties in the United States, and whether they may entitle the respondent to reside permanently in the United States in the future; (4) employment history; (5) record of appearance in court; (6) criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) history of immigration violations; (8) any attempts to flee prosecution or otherwise escape from authorities; and (9) the manner of entry to the United States. *Id.* (citations omitted); see also *Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011) (noting that the recency and severity of criminal offenses must be considered, because criminal history alone is not always grounds for denial of bond). A respondent who is likely to abscond is a poor bail risk and does not merit release on bond. *Guerra*, 24 I&N Dec. at 40. Dangerous respondents are properly held without bond; the Immigration Judge should

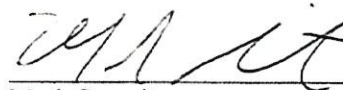
only determine a bond amount upon which the respondent may be released if he is not a danger to the community. *Id.* at 38; *see also Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009).

First, the Court found that Respondent does not pose a danger to the community. The Respondent does not have a criminal history and has been in the United States for 26 years without incident. There is nothing in the respondent's lengthy history in the United States that suggests he would be a danger to others. Additionally, the Department does not argue that the Respondent is a danger. The Court determined that the Respondent presents some risk of flight because of his manner of entry and violation of immigration laws. However, the Respondent possesses various positive factors which mitigate his risk of flight. Namely, he has strong ties to the community, including his wife and a 7-year-old special needs child who is a United States citizen. Based on this information, he appears to have a strong cancellation of removal case under 240A(b)(1) of the INA. Therefore, he has an incentive to attend his immigration court hearings. He has resided in the United States for 20 years and established significant community ties. He has been employed by the same company for 15 years. He also has a sponsor who would financially support the Respondent and ensure he appears in court. As such, the Court determined that a bond of \$1,500 would mitigate any risk of flight and ensure his appearance at future hearings.

In making its determination, the Court considered all the information, evidence, and arguments presented by the parties. *See Matter of Guerra*, 24 I&N Dec. at 40. The Court found that Respondent does not pose a danger to the community, but that he presents a risk of flight. *See id.* Accordingly, the Court granted his request for a change in his custody status and imposed a \$1,500 bond with Alternatives to Detention at the Department's discretion.

Dated:

8/14/25



Mark Sameit
Immigration Judge

EXHIBIT 4



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

RODRIGUEZ, JONATHAN

To:

Cruz, Carlos Alfredo
118 E. Huntington Dr. Ste#A
Alhambra, CA 91801

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

07/25/2025

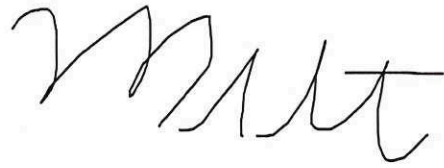
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because

- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$ 1,500.00
 - other:
and ATD at the discretion of DHS.

- Other:




Immigration Judge: SAMEIT, MARK 07/25/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 08/25/2025

Certificate of Service

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Respondent Name : RODRIGUEZ, JONATHAN | A-Number : 

Riders:

Date: 07/25/2025 By: Rosa Rodriguez, Court Staff

1 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

2 The undersigned counsel submits this verification on behalf of Jonathan
3 Rodriguez Chavarria, aka Jonathan Rodriguez. As Mr. Rodriguez' counsel, I
4 hereby verify and declare under penalty of perjury that the factual allegations made
5 in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best
6 of my knowledge.
7

8 Date: December 17, 2025

9 /S/ Carlos A. Cruz, Esq.

10 Carlos A. Cruz
11 Attorney at Law
12 Law Office of Carlos A. Cruz
13 118 East Huntington Drive, Suite A
14 Alhambra, CA 91801
15 Telephone: (626) 282-2222
16 Facsimile: (626) 282-2220
17
18
19
20
21
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24

1 **CERTIFICATE OF SERVICE**

2 Certificate of Service When All Case Participants Are CM/ECF Participants

3 I hereby certify that, I electronically filed the foregoing with the Clerk of the Court
4 for the United States District Court, Southern District of California by using the
appellate CM/ECF system on December 18, 2025.

5
6 I certify that all participants in this case are registered CM/ECF users and that
7 service will be accomplished by CM/ECF system.

8 /S/ Carlos A. Cruz, Esq.

9 Carlos A. Cruz

Attorney at Law

10 Law Office of Carlos A. Cruz

11 118 East Huntington Drive, Suite A

Alhambra, CA 91801

12 Telephone: (626) 282-2222

13 Facsimile: (626) 282-2220